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Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

KEITH THOMAS, RICHARD HAYES, HERB
SMITH, and OKLAHOMA POLICE PENSION
& RETIREMENT SYSTEM,

Plaintiffs,

v.

MAGNACHIP SEMICONDUCTOR CORP.
SANG PARK, TAE YOUNG HWANG,
MARGARET SAKAI, R. DOUGLAS NORBY,
ILBOK LEE, NADER TAVAKOLI, RANDAL
KLEIN, MICHAEL ELKINS, AVENUE
CAPITAL MANAGEMENT II, L.P.,
BARCLAYS CAPITAL INC., DEUTSCHE
BANK SECURITIES INC., CITIGROUP
GLOBAL MARKETS INC., UBS
SECURITIES LLC and NEEDHAM &
COMPANY, LLC,

Defendants.

Case No.: 3:14-cv-01160-JST

CLASS ACTION

Judge: Hon. Jon S. Tigar

**STIPULATION AND PROPOSED
ORDER**

1 All parties, through their undersigned counsel, hereby submit this Stipulation and Proposed
2 Order regarding briefing of Defendant Avenue Capital Management II, L.P.'s ("Avenue Capital")
3 anticipated motion to strike Plaintiffs' second motion for class certification, ECF No. 289:

4 WHEREAS, on January 10, 2017, this Court entered an order, ECF No. 291, stating, in part
5 "The Court has received Defendant Avenue Capital's letter brief, ECF No. 290, concerning
6 Plaintiffs' recently-filed second motion for class certification, ECF No. 289. Plaintiffs are ordered
7 to respond to that letter by 5:00 p.m. on January 11, 2017, solely with regard to Defendant's request
8 that its obligation to respond to the class certification be held in abeyance so that Defendant can file
9 a motion to strike the new class certification motion.... If Plaintiffs do not oppose that request, they
10 should present a stipulated briefing schedule for the motion to strike...."

11 WHEREAS, Plaintiffs do not oppose the ordering of briefing suggested by Avenue Capital
12 and, after consultation with counsel for Avenue Capital, have agreed to the following abbreviated
13 schedule.

14 NOW, THEREFORE, the undersigned hereby stipulate, subject to Court approval, that:

- 15 1. Avenue Capital shall file a motion to strike on or before January 18, 2017.
- 16 2. Plaintiffs shall file their opposition on or before January 27, 2017.
- 17 3. Avenue Capital shall file any reply on or before February 3, 2017.
- 18 4. Avenue Capital's obligation to respond to the class certification motion (ECF No. 289)
19 shall be held in abeyance during the pendency of the motion to strike.

20 Dated: January 11, 2017

21 **IT IS SO STIPULATED:**

22 **AKIN GUMP STRAUSS HAUER**
23 **& FELD LLP**

POMERANTZ LLP

24
25 /s/ Peter I. Altman
26 Neal R. Marder (SBN 126879)
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Liaison Counsel

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 12, 2017


Hon. Jon S. Tigar,
United States Dist. Judge